

Message Text

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13-11

ORIGIN EB-07

INFO OCT-01 AF-06 IO-11 ISO-00 FEA-01 AGR-05 CEA-01

CIAE-00 COME-00 DODE-00 FRB-03 H-02 INR-07 INT-05

L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15

STR-04 TAR-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01

/098 R

DRAFTED BY EB/OT/GCP - MGOLDMAN

APPROVED BY EB/OT/GCP - SAHMAD

EB/IFD/OIA:TBRODERICK

TREASURY:PDAVIS

AF/S:DCHRISIENSEN

AF/EP:RDUNCAN

L/EB:CROH (SUBS)

STR:BSTEINBOCK

----- 042297

R 270209Z JAN 76

FM SECSTATE WASHDC

TO AMEMBASSY LOURENCO MARQUES

INFO USDEL MTN GENEVA

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E.O. 11652: N/A

TAGS: ETRD

SUBJECT: GSP FOR MOZAMBIQUE

REF: LOURENCO MARQUES 0004

1. MOZAMBIQUE WAS DESIGNATED A GSP BENEFICIARY IN
EXECUTIVE ORDER 11844 DATED MARCH 24, 1975. ATTAINMENT
OF INDEPENDENCE BY MOZAMBIQUE IN JUNE 1975 HAD NO
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PRACTICAL EFFECT ON THIS DESIGNATION.

2. IN DETERMINING COUNTRY ELIGIBILITY FOR GSP, TRADE ACT OF 1974 PROVIDES THAT QUOTE THE PRESIDENT SHALL TAKE INTO ACCOUNT UNQUOTE (INTER ALIA) SELF-ELECTION PRINCIPLE AND ASSURANCES REGARDING ACCESS TO MARKETS AND RESOURCES (PARA 3 REFTEL). NEITHER OF THESE FACTORS IS A SINE QUA NON REQUIREMENT FOR GSP ELIGIBILITY. NEVERTHELESS, SELF-ELECTION FACTOR SATISFIED FOR MOZAMBIQUE BY PORTUGAL THROUGH UNCTAD AND BY MOZAMBIQUE'S MEMBERSHIP IN UNCTAD G-77 WHICH REQUESTED PREFERENCES. RE ASSURANCES OF MARKET AND SUPPLY ACCESS IN CONTEXT OF GSP ELIGIBILITY, USG CONSIDERED ACTIONS RATHER THAN PRONOUNCEMENTS OF POTENTIAL BENEFICIARIES.

3. US IMPORTS FROM MOZAMBIQUE RECEIVE MFN TREATMENT. IN USG DELIBERATIONS RE GSP COUNTRY ELIGIBILITY, MOZAMBIQUE FORM OF GOVERNMENT WAS NOT CONSIDERED TO FALL WITHIN SECTION 502(B)(1) OF TRADE ACT.

4. LOURENCO MARQUES 270 OF MARCH 11, 1975 INDICATED THAT THERE WERE NO OUTSTANDING CASES OF EXPROPRIATION OF AMERICAN PROPERTY WHICH MIGHT BEAR UPON THE ELIGIBILITY OF MOZAMBIQUE FOR GSP UNDER THE EXPROPRIATION PROVISION OF THE TRADE ACT (SECTION 502 (B)(4), A COPY OF WHICH WAS PROVIDED ALL POSTS BY STATE 282968 OF DECEMBER 28, 1974). IN VIEW OF THE DEVELOPMENTS RECENTLY REPORTED REFTEL, WE WOULD APPRECIATE AS MUCH INFORMATION AS EMBASSY IS ABLE TO DEVELOP CONCERNING THE STATUS OF SUCH PROPERTIES (ASSUMING EXPROPRIATED PROPERTY AT LEAST 50 PERCENT US OWNED) AND GPRM INTENTIONS TO RESTORE THEM TO THEIR OWNERS OR, FAILING THAT, TO PROVIDE COMPENSATION, INCLUDING THE FOLLOWING POINTS: (A) WHO WITHIN THE GPRM PRESENTLY HAS CUSTODY OR CONTROL OF THE PROPERTIES; (B) WHAT THE LEGAL STATUS OF SUCH PROPERTIES IS AT THIS TIME; (C) WHETHER THE GPRM HAS BEEN IN CONTACT WITH ANY OF THE OWNERS CONCERNING COMPENSATION OR POSSIBLE RESTORATION OF PROPERTY (AND THE LIKELIHOOD THAT IT INTENDS TO DO SO); (D) WHAT ACTION THE USG MIGHT CONSIDER TAKING TO FACILITATE SUCH CONTACTS; LIMITED OFFICIAL USE

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AND (E) WHETHER THERE ARE ANY LEGAL REMEDIES IN MOZAMBIQUE WHICH MIGHT BE AVAILABLE TO SUCH PROPERTY OWNERS. FOR EMBASSY'S BACKGROUND, A COPY OF STATE A-10523 OF DECEMBER 28, 1973, PROVIDING GUIDANCE TO POSTS ON HANDLING OF EXPROPRIATIONS, IS BEING POUCHED. KISSINGER

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Draft Date: 27 JAN 1976
Decaption Date: 01 JAN 1960
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Disposition Approved on Date:
Disposition Authority: morefirh
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Margaret P. Grafeld
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